

Appl. No. 09/804,973
Response dated June 7, 2004

PATENT

REMARKS/ARGUMENTS

This Request For Reconsideration is responsive to the Office Action of May 28, 2004.

In the Office Action, claims 56, 59, 70, 71, and 73 are rejected for obviousness-type double patenting in view U.S. Patent No. 6,155,088. Claims 56, 59, 61-64, 70, 71, and 73-108 are rejected for obviousness-type double patenting in view of U.S. Patent No. 6,588,241. Claims 56, 59, 61-67, and 69-108 are provisionally rejected for obviousness-type double patenting in view of U.S. Patent Application No. 09/603,240.

In response, attached are terminal disclaimers with respect to U.S. Patent Nos. 6,155,088, and 6,588,241, and U.S. Patent Application No. 09/603,240. Accordingly, withdrawal of the pending obviousness-type double patenting rejections is requested.


By filing the terminal disclaimers, Applicants do not admit that the pending claims are obvious in view of the claims in the noted patents and patent applications. MPEP 804.02 states:

The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

CONCLUSION

Applicants believe all claims are in condition for allowance. Please telephone the undersigned if there are any questions or concerns.

Respectfully submitted,



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